



**FAIR POLITICAL PRACTICES COMMISSION**

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

**August 3, 2011**

✓ Mr. James Evert  
Member, San Clemente City Council

**REDACTED**

**RE: Warning Letter Re: FPPC No. 11/721, James Evert**

Dear Mr. Evert:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act ("Act"),<sup>1</sup> found in Government Code section 81000, et seq. This letter is a result of a pro-active investigation begun against you by the FPPC that alleged you failed to disclose investments and income on your Assuming Office Statement of Economic Interests, Form 700 ("SEI").

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you failed to disclose your investment in and income received from your wife's art business. Your wife is a local artist who sells her art in your jurisdiction.

Section 87206 requires the disclosure of investments when the value of the investment is \$2,000 or more. In addition, Section 87207 requires the disclosure of income valued at \$500 or more.

Your actions violated the Act when you failed to disclose the investment in your wife's business and failed to disclose your pro-rata share of her income from the sale of her art.

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

Because you filed amendments to disclose this information and the fact that you do not have an enforcement history, we are closing this matter with a warning letter.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact Teri Rindahl at 916.327.2018 with any questions you may have regarding this letter.

Sincerely,

REDACTED ➤

✓  
Gary S. Winuk  
Chief, Enforcement Division

GSW/tr